

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MASTEROBJECTS, INC.,

Plaintiff,

v.

EBAY, INC.,

Defendant.

Case No.: 3:12-cv-680 JSC

**ORDER RE: ADMINISTRATIVE  
MOTION TO SEAL (Dkt. No. 90)**

Now pending before the Court is Plaintiff MasterObjects, Inc.’s (“MasterObjects”) Administrative Motion to File Under Seal a Joint Letter Brief regarding MasterObjects’ request to compel Defendant eBay, Inc. (“eBay”) to produce certain documents regarding “testing and analysis of the (alleged) economic benefit of the accused eBay search Autocomplete feature and related documents.” (Dkt. No. 90-3, p. 1.) The Administrative Motion to File the Joint Letter Brief and the exhibits thereto under seal is DENIED for failure to comply with Local Rule 79-5.

MasterObjects sought leave to file the documents under seal because eBay previously designated the exhibits attached and referenced in the joint statement as confidential pursuant to the parties’ Protective Order. As the party asserting that the contents are confidential, eBay

1 bears the burden of establishing that sealing is proper pursuant to Local Rule 79-5. However,  
2 eBay failed to comply with Rule 79-5 in two respects. First, eBay failed to file “a declaration  
3 as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is  
4 sealable.” *See L.R. 79-5(e)(1)*. Second, even if eBay had filed a declaration as required by  
5 Rule 79-5, the request for sealing would still be improper as it is not “narrowly tailored,” and  
6 instead, seeks to file the *entire* joint statement and exhibits under seal. *See L.R. 79-5(b)*.

7 Accordingly, the motion to seal is DENIED. MasterObjects shall file (1) the  
8 unredacted Joint Statement, (2) Exhibits 1-15 to the Declaration of Spencer Hosie in Support  
9 of Motion to Compel Production of Damages Documents, and (3) Exhibits 1-3 to the  
10 Declaration of Christopher Shield in Opposition to Motion to Compel Production of Damages  
11 Documents on the public docket in accordance with Local Rule 79-5(e)(2).

12 The previously scheduled telephonic discovery hearing regarding the issues raised in  
13 the Joint Statement (Dkt. No. 90-3) remains on calendar.

14 **IT IS SO ORDERED.**

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16 Dated: October 23, 2013

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JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE